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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,705	01/23/2002	Oleg Sher	100.196US01	8769
7590 09/23/2005 Fogg, Slifer & Polglaze, P.A. P.O. Box 581009 Minneapolis, MN 55458-1009			EXAMINER LO, SUZANNE	
			ART UNIT 2128	PAPER NUMBER
DATE MAILED: 09/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,705

Applicant(s)

SHER ET AL.

Examiner

Suzanne Lo

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on January 23, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on January 23, 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: System and Method for Simulating a Multi-user Access Network.

Claim Objections

2. Claim 2-9 are objected to because of the following informalities:
 3. The preamble and transition of claim 2 has awkward wording in line 1 when stating, "it comprising". The following revision is suggested: replace "it comprising with, "said simulation unit comprising".
 4. Claim 8 is dependent on the "simulation unit of claim 6", not the "method of claim 6".
 5. Claim 9 is dependent on the "simulation unit of claim 6", not the "method of claim 6". Examiner will assume that claim 8 and 9 claim the simulation unit of claim 6 for examination.
 6. Any claim not specifically addressed is objected to by virtue of its dependency.
- Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Art Unit: 2128

8. Claims 1-6, 8, 10, 12-21, 23-24, 26-27, 29 are rejected under 35 U.S.C. 102(a) as being anticipated by Neumann et al. (PCT Publication No. WO01/11822)¹.
9. As per claim 1, Neumann et al is directed to a simulation unit comprising
- a. A processing unit (session computer 40, column 3, lines 46-48)
 - b. Wherein the processing unit is configured to have multiple ports (connection interfaces 44₁-44_n, column 4, lines 23-26)
 - c. Wherein each of the multiple ports represents a distinct Internet protocol address (column 2, lines 20-25)
 - d. And wherein the simulation unit emulates multiple network connections (column 2, lines 28-33).
10. As per claim 2, Neumann et al is directed to a simulation adapted to couple to a central unit, said simulation unit comprising
- e. A processing unit (session computer 40, column 3, lines 46-48)
 - f. At least two port adapters coupled to the processing unit (LAN cards 42, 53, 62, column 4, lines 23-25), wherein each port adapter includes one or more ports (connection interfaces 44₁-44_n, column 4, lines 23-26) adapted to be coupled to the central unit (column 4, lines 35-37)
 - g. And wherein each of the one or more ports represents a distinct Internet protocol address (column 2, lines 20-25) and simulates a separate connection to the central unit (column 4, lines 28-33).

¹ This reference is published in German – in lieu of citing to textual portions of the German reference, the examiner has cited to corresponding textual portions in the equivalent US reference (US Patent No. 6853943).

Art Unit: 2128

11. As per claim 3, Neumann is directed to the simulation unit of claim 2, wherein the simulation unit is adapted to execute a test software program (column 6, lines 18-23).

12. As per claim 4, Neumann is directed to the simulation unit of claim 2, wherein each of the one or more ports is coupled to the central unit using a digital subscriber line. Neumann anticipates claim 4 with connection interfaces with connection ports which may be connected to a digital ADSL modem which must use DSL lines (column 4, lines 27-30)

13. As per claim 5, Neumann is directed to the simulation unit of claim 2, wherein the processing unit utilizes test execution software to simulate transfer of information between the one or more ports and the central unit (column 3, lines 60-67, column 4 lines 1-2, column 4, lines 41-46).

14. As per claim 6, Neumann is directed to the simulation unit of claim 2, wherein the processing unit simulates system loading (column 3, lines 42-45) by transferring information between the one or more ports and an access network via digital subscriber lines. Neumann anticipates transferring information between the one or more ports and an access network in column 4, lines 25-27 where he teaches connection interfaces with connection ports may be linked to an available concentrator which provides an access to an ATM network (column 4, lines 35-38). Neumann also teaches connection interfaces which may be connected to a digital ADSL modem which must use DSL lines (column 4, lines 27-30).

15. As per claim 8, Neumann is directed to the simulation unit of claim 6, further comprising recording (column 4, lines 55-58) and repeating the transfer of information (column 4, lines 2-5) between the one or more ports and the central unit.

Art Unit: 2128

16. As per claim 10, Neumann is directed to a method of testing by simulating an access network, the method comprising

- h. Using a processing unit (session computer 40, column 3, lines 46-48) for generating a script for a test software program (column 4, lines 49-52)
- i. The processing unit having at least two port adapters (LAN cards 42, 53, 62, column 4, lines 23-25)
- j. Each of the at least two port adapters having one or more ports (connection interfaces 44₁-44_n, column 4, lines 23-26)
- k. And each of the one or more ports having a distinct Internet protocol address (column 2, lines 20-25)
- l. And running the script for the test software program for each of the one or more ports, wherein running the scrip includes
 - i. Recognizing each of the one or more ports as a distinct Internet protocol address (column 5, lines 38-43)
 - ii. Establishing communication between the one or more ports and a central unit (column 5, lines 38-45)
 - iii. And generating a transfer of information between other one or more ports and the central unit (column 5, lines 46-50).

17. As per claim 12, Neumann is directed to the method of claim 10 further comprising recording (column 4, lines 55-58) and repeating (column 4, lines 2-5) the transfer of information between the one or more ports and the central unit.

Art Unit: 2128

18. As per claim 13, Neumann is directed to a method of testing by simulating an access network, the method comprising

- m. Executing a test software program (column 6, lines 18-23) using a processing unit (session computer 40, column 3, lines 46-48) having at least two port adapters (LAN cards 42, 53, 62, column 4, lines 23-25) and each of the at least two port adapters having one or more ports (connection interfaces 44₁-44_n, column 4, lines 23-26)
- n. Recognizing each of the one or more ports via a distinct Internet protocol address (column 2, lines 20-25)
- o. Establishing communication between the one or more ports and a central unit (column 5, lines 38-45)
- p. And creating a simulation of system loading (column 3, lines 42-45) that includes
 - iv. Transferring information between the one or more ports and the central unit (column 5, lines 46-50)
 - v. Storing information in memory of the processing unit (column 4, lines 54-58)
 - vi. Repeating the transferring of the information between the one or more ports and the central unit (column 4, lines 2-5)
 - vii. Analyzing the stored information (column 4, lines 62-65)
 - viii. And outputting the results (column 4, lines 62-65).

19. As per claim 14, Neumann is directed to a simulation system comprising

- q. A remote processing unit (control and service computer 20, column 3, lines 45-46)

Art Unit: 2128

- r. Wherein the remote processing unit is adapted to couple to one or more simulation units (column 3, lines 45-47)
 - s. Each of the one or more simulation units comprising
 - ix. A processing unit (session computer 40, column 3, lines 46-48)
 - x. Wherein the processing unit is configured to have multiple ports (connection interfaces 44₁-44_n, column 4, lines 23-26)
 - xi. Wherein each of the multiple ports represents a distinct Internet protocol address (column 2, lines 20-25)
 - t. Wherein each simulation unit emulates multiple network connections (column 2, lines 28-33).
20. As per claim 15, Neumann is directed to a simulation system adapted to couple to a central unit, the simulation system comprising
- u. A remote processing unit (control and service computer 20, column 3, lines 45-46)
 - v. And one or more simulation units (column 3, lines 45-47), coupled to the remote processing unit, each simulation unit comprising
 - xii. A processing unit (session computer 40, column 3, lines 46-48)
 - xiii. At least two port adapters (LAN cards 42, 53, 62, column 4, lines 23-25) coupled to the processing unit, wherein each port adapter includes one or more ports (connection interfaces 44₁-44_n, column 4, lines 23-26) adapted to be coupled to the central unit (column 4, lines 35-37)

xiv. And wherein each of the one or more ports represents a distinct Internet protocol address (column 2, lines 20-25) and simulates a separate connection to the central unit (column 4, lines 28-33).

21. As per claim 16, Neumann is directed to the simulation system of claim 15, wherein the simulation system is adapted to execute a script to initialize, activate (column 3, line 67, column 4, lines 1-5), and control (column 4, lines 16-22) one or more simulation units.

22. As per claim 17, Neumann is directed to the simulation system of claim 15, wherein the remote processing unit is coupled to the processing unit of the one or more simulation units (column 3, lines 45-47).

23. As per claim 18, Neumann is directed to the simulation system of claim 15, wherein the simulation unit is adapted to execute a test software program (column 6, lines 18-23).

24. As per claim 19, Neumann is directed to the simulation system of claim 15, wherein each of the one or more ports is coupled to the central unit using a digital subscriber line. Neumann anticipates claim 4 with connection interfaces with connection ports which may be connected to a digital ADSL modem which must use DSL lines (column 4, lines 27-30)

25. As per claim 20, Neumann is directed to the simulation system of claim 15, wherein the processing unit utilizes test execution software to simulate transfer of information between the one or more ports and the central unit (column 3, lines 60-67, column 4 lines 1-2, column 4, lines 41-46).

26. As per claim 21, Neumann is directed to the simulation system of claim 15, wherein the processing unit simulates system loading (column 3, lines 42-45) by transferring information between the one or more ports and an access network via digital subscriber lines. Neumann

Art Unit: 2128

anticipates transferring information between the one or more ports and an access network in column 4, lines 25-27 where he teaches connection interfaces with connection ports may be linked to an available concentrator which provides an access to an ATM network (column 4, lines 35-38). Neumann also teaches connection interfaces which may be connected to a digital ADSL modem which must use DSL lines (column 4, lines 27-30).

27. As per claim 23, Neumann is directed to the simulation unit of claim 15, wherein each of the one or more ports is coupled to the central unit using a digital subscriber line. Neumann anticipates claim 4 with connection interfaces with connection ports which may be connected to a digital ADSL modem which must use DSL lines (column 4, lines 27-30)

28. As per claim 24, Neumann is directed to the simulation unit of claim 15, wherein the processing unit utilizes test execution software to simulate transfer of information between the one or more ports and the central unit (column 3, lines 60-67, column 4 lines 1-2, column 4, lines 41-46).

29. As per claim 26, Neumann is directed to a method of simulating an access network, the method comprising

w. Generating a script for initializing, activating (column 3, line 67, column 4, lines 1-5) and controlling (column 4, lines 16-22) one or more simulation units using a remote processing unit

x. Generating a script for a test software program in each of the active simulation units (column 4, lines 49-52) using a processing unit (session computer 40, column 3, lines 46-48) having at least two port adapters (LAN cards 42, 53, 62, column 4, lines 23-25), each of the at least two port adapters having one or more ports (connection interfaces

Art Unit: 2128

44₁-44_n, column 4, lines 23-26), and each of the one or more ports having a distinct Internet protocol address (column 2, lines 20-25)

y. And running the script for the test software program for each of the one or more ports, wherein running the script includes

xv. Recognizing each of the one or more ports as a distinct Internet protocol address (column 5, lines 38-43)

xvi. Establishing communication between the one or more ports and a central unit (column 5, lines 38-45)

xvii. And generating a transfer of information between the one or more ports and the central unit (column 5, lines 46-50).

30. As per claim 27, Neumann is directed to the method of claim 26, further comprising recording (column 4, lines 55-58) and repeating (column 4, lines 2-5) the transfer of information between the one or more ports and the central unit of the active simulation units.

31. As per claim 29, Neumann is directed to a method of testing by simulating an access network, the method comprising

z. Initializing, activating (column 3, line 67, column 4, lines 1-5) and controlling (column 4, lines 16-22) a processing unit of one or more simulation units by a remote processing unit

aa. Executing a test software program (column 6, lines 18-23) using a processing unit of active simulation units (session computer 40, column 3, lines 46-48) having at least two port adapters (LAN cards 42, 53, 62, column 4, lines 23-25) and each of the at least

Art Unit: 2128

two port adapters having one or more ports (connection interfaces 44₁-44_n, column 4, lines 23-26)

xviii. Recognizing each of the one or more ports via a distinct Internet protocol address (column 2, lines 20-25)

xix. Establishing communication between the one or more ports and a central unit (column 5, lines 38-45)

xx. Creating a simulation of system loading (column 3, lines 42-45) that includes

(1) Transferring information between the one or more ports and the central unit (column 5, lines 46-50)

(2) Storing information in memory of the processing unit (column 4, lines 54-58)

(3) Repeating the transferring of the information between the one or more ports and the central unit (column 4, lines 2-5)

(4) And recording and analyzing the stored information (column 4, lines 62-65)

xxi. Storing all analyzed results in the remote processing unit (column 4, line 54-62)

xxii. And outputting the results (column 4, lines 62-65)

Claim Rejections - 35 USC § 103

Art Unit: 2128

32. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

33. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

34. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

35. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neumann et al. (PCT Publication No. WO01/11822) as applied to the rejection of claims 2 and 15 above in view of Goleniewski (Chapter 13 Broadband Access Solution, Telecommunications Essentials, December 26, 2001) ("Goleniewski", hereinafter), further in view of Business Editors

Art Unit: 2128

& Technology Writers (“ADC Announce Avidia 2200 Next-Generation DSLAM for Remote Cabinets; Switch and DSLAM Combined to Extend the Reach of DSL”, Business Wire, June 4, 2001).

36. As per claim 7, Neumann teaches that the central unit of claim 2 may be an available concentrator (column 4, lines 35-37) or a digital ADSL modem (column 4, lines 27-30).

Neumann does not particularly disclose that the central unit is one of a digital subscriber line access multiplexer (DSLAM).

Goleniewski teaches that a DSLAM incorporates an ADSL modem and a voice splitter (Figure 13.2 An ADSL configuration) and that “DSLAMs are designed to concentrate hundreds of DSL access lines into ATM or IP trunks” (Section ADSL, 9th paragraph).

Neumann and Goleniewski are analogous art because they both come from the same field of endeavor, IP supported devices.

It would have been obvious to an ordinary person skilled in the art to use a DSLAM as the central unit.

The motivation for using a DSLAM as a central unit would be that a DSLAM can handle a much greater capacity of information and allows a greater number of users.

The combination of Neumann and Goleniewski teaches a DSLAM as the central unit.

Neumann and Goleniewski do not teach the use of a remote digital subscriber line access multiplexer in combination with a DSLAM as a central unit.

Business Editors & Technology Writers teaches that “service providers face two very tough issues with regards to delivering DSL that remote DSLAMs overcome” and that “remote DSLAMs support the provisioning of DSL at distances greater than 10,000 feet from the central

Art Unit: 2128

office which enables service providers to offer high-speed Internet access to a new set of customers and also supports the delivery of DSL-based services that require greater bandwidth” (5th paragraph).

Neumann, Goleniewski, and Business Editors & Technology Writers are analogous art because they all come from the same field of endeavor, IP supported devices.

It would have been obvious to an ordinary person skilled in the art to use a DSLAM combined with a remote DSLAM as a central unit.

The motivation for combining a DSLAM with a remote DSLAM as a central unit would be to further increase the capacity of information that the central unit can handle and to allow an even larger number of users than a DSLAM alone could handle.

37. As per claim 22, Neumann teaches that the central unit of claim 15 may be an available concentrator (column 4, lines 35-37) or a digital ADSL modem (column 4, lines 27-30).

Neumann does not particularly disclose that the central unit is one of a digital subscriber line access multiplexer (DSLAM).

Goleniewski teaches that a DSLAM incorporates an ADSL modem and a voice splitter (Figure 13.2 An ADSL configuration) and that “DSLAMs are designed to concentrate hundreds of DSL access lines into ATM or IP trunks” (Section ADSL, 9th paragraph).

Neumann and Goleniewski are analogous art because they both come from the same field of endeavor, IP supported devices.

It would have been obvious to an ordinary person skilled in the art to use a DSLAM as the central unit.

The motivation for using a DSLAM as a central unit would be that a DSLAM can handle a much greater capacity of information and allows a greater number of users.

The combination of Neumann and Goleniewski teaches a DSLAM as the central unit.

Neumann and Goleniewski do not teach the use of a remote digital subscriber line access multiplexer in combination with a DSLAM as a central unit.

Business Editors & Technology Writers teaches that “service providers face two very tough issues with regards to delivering DSL that remote DSLAMs overcome” and that “remote DSLAMs support the provisioning of DSL at distances greater than 10,000 feet from the central office which enables service providers to offer high-speed Internet access to a new set of customers and also supports the delivery of DSL-based services that require greater bandwidth” (5th paragraph).

Neumann, Goleniewski, and Business Editors & Technology Writers are analogous art because they all come from the same field of endeavor, IP supported devices.

It would have been obvious to an ordinary person skilled in the art to use a DSLAM combined with a remote DSLAM as a central unit.

The motivation for combining a DSLAM with a remote DSLAM as a central unit would be to further increase the capacity of information that the central unit can handle and to allow an even larger number of users than a DSLAM alone could handle.

38. Claims 9, 11, 25, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neumann et al. (PCT Publication No. WO01/11822) in view of Mervana et al (Chapter 1 History of Remote Access Technology, Design and Implementation of DSL-Based Access Solutions, September 14, 2001). *no applied to the rejection of claims xx above*

Art Unit: 2128

39. As per claim 9, Neumann fails to disclose the simulation unit of claim 6, wherein transferring information comprises transferring one or more of voice, data, and video information but discloses the simulation unit of claim 6 wherein transferring information comprises transferring data via the FTP (column 5, lines 11-14).

Mervana teaches that with the speed and bandwidth that digital subscriber lines offer, data, voice, and video can be run concurrently (Section Applications That Drive High-Speed Access, 1st paragraph, lines 3-5).

Neumann and Mervana are analogous art because they are both from the same field of endeavor, transfer of information via digital subscriber lines.

At the time of the invention it would have been obvious to one skilled in the art to use one or more of voice, data, and video information as the transferring information of claim 6.

The motivation for doing so is that users of DSL can transfer one or more types of the information, and would want to test the different types during system loading tests.

40. As per claim 11, Neumann fails to disclose the method of claim 10, wherein generating the transfer of information between the one or more ports and the central unit includes generating the transfer of one or more of voice, data, and video information but discloses the method of claim 10 wherein transferring information comprises transferring data via the FTP (column 5, lines 11-14).

Mervana teaches that with the speed and bandwidth that digital subscriber lines offer, data, voice, and video can be run concurrently (Section Applications That Drive High-Speed Access, 1st paragraph, lines 3-5).

Art Unit: 2128

Neumann and Mervana are analogous art because they are both from the same field of endeavor, transfer of information via digital subscriber lines.

At the time of the invention it would have been obvious to one skilled in the art to use one or more of voice, data, and video information as the transferring information of claim 10.

The motivation for doing so is that users of DSL can transfer one or more types of the information, and would want to test the different types during system loading tests.

As per claim 25, Neumann fails to disclose the simulation unit of claim 15, wherein the processing unit simulates system loading by transferring one or more of data, video, and voice, between the one or more ports and an access network via a digital subscriber line but discloses the simulation unit of claim 15 wherein transferring information comprises transferring data via the FTP (column 5, lines 11-14) between the one or more ports and an access network via a digital subscriber line.

Mervana teaches that with the speed and bandwidth that digital subscriber lines offer, data, voice, and video can be run concurrently (Section Applications That Drive High-Speed Access, 1st paragraph, lines 3-5).

Neumann and Mervana are analogous art because they are both from the same field of endeavor, transfer of information via digital subscriber lines.

At the time of the invention it would have been obvious to one skilled in the art to use one or more of voice, data, and video information as the transferring information of claim 15.

The motivation for doing so is that users of DSL can transfer one or more types of the information, and would want to test the different types during system loading tests.

As per claim 28, Neumann fails to disclose the method of claim 26, wherein transferring information comprises transferring one or more of voice, data, and video information but discloses the method of claim 26, wherein transferring information comprises transferring data via the FTP (column 5, lines 11-14).

Mervana teaches that with the speed and bandwidth that digital subscriber lines offer, data, voice, and video can be run concurrently (Section Applications That Drive High-Speed Access, 1st paragraph, lines 3-5).

Neumann and Mervana are analogous art because they are both from the same field of endeavor, transfer of information via digital subscriber lines.

At the time of the invention it would have been obvious to one skilled in the art to use one or more of voice, data, and video information as the transferring information of claim 26.

The motivation for doing so is that users of DSL can transfer one or more types of the information, and would want to test the different types during system loading tests.

Conclusion

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see attached PTO-892.

1. U.S. Patent no. 5,937,165 issued to Schwaller et al. on 08/10/99. The matter disclosed therein is pertinent to claims 1-3, 5, 8-9 (e.g. simulation unit, test software).

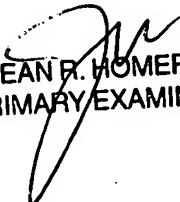
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Lo whose telephone number is (571)272-5876. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached on (571)272-3780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Suzanne Lo
Examiner
Art Unit 2128

Suzanne Lo
August 30, 2005


JEAN R. HOMERE
PRIMARY EXAMINER